

Reaching All Victims: **Key Developments in Research & Policy to Improve Victim Services Nationwide**

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Introductions

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Statistics

*The views expressed in this presentation are those of the author
and do not reflect the official views or position of the U.S.
Department of Justice.*



What is the Office for Victims of Crime

- Established in 1988, OVC is charged by Congress with administering the Crime Victims Fund.
- Supports a broad array of programs focused on helping victims in the immediate aftermath of crime and as they rebuild their lives.
- Annual investments in victim compensation and assistance in every state and territory.



Victims' Movement: Where are we now?

- State constitutional rights in more than 30 states
- 50 states, DC, and the fed government have enacted statutory and rule-based protections for victims. These include:
- Access to Justice, Information, and Documents; Confer/Consult; Courtroom Accommodations; Due Process, Fairness, Dignity, and Respect; Right to be Heard; Right to Notice and Presence; Right to Privacy & Refusing Discovery Requests; Prompt Disposition; Protection; Restitution/Compensation

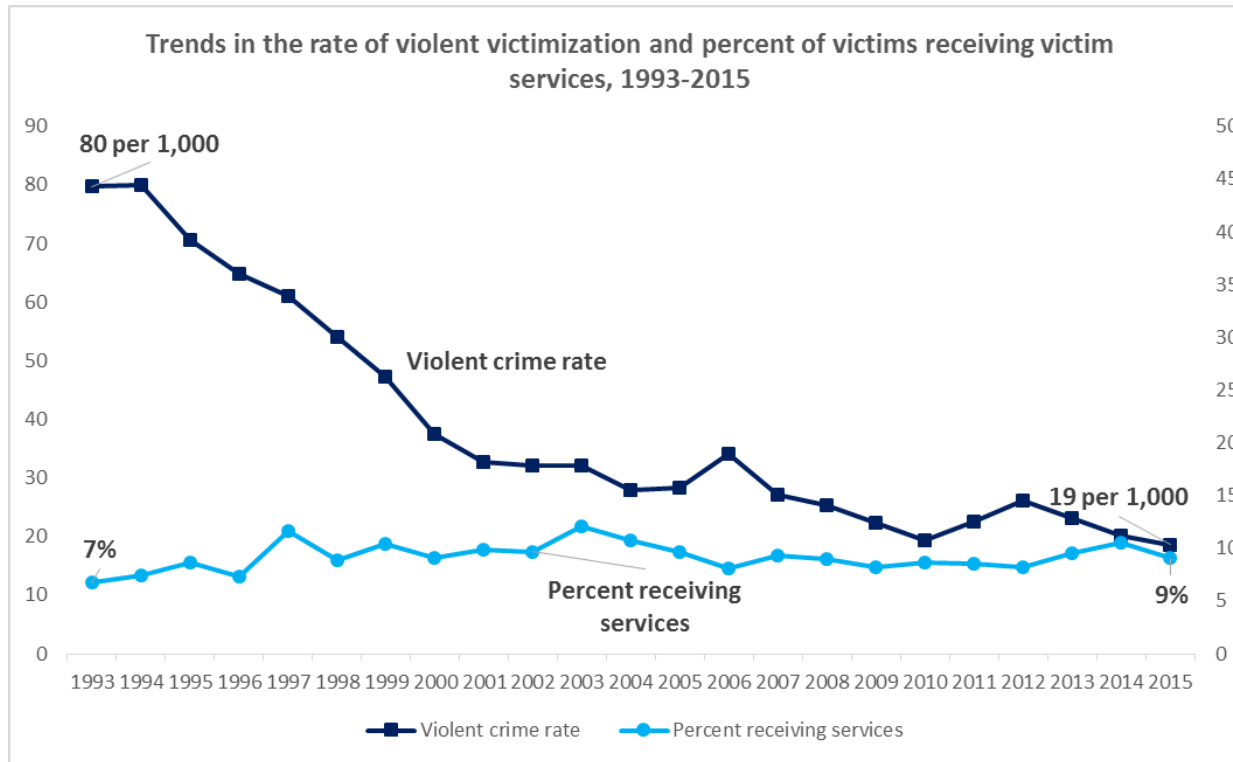


Policy v. Reality

- According to NCVS (age 12+), only 13% of victims of serious violence report receiving access to services; 9% when crime unreported
- 43% choose not to report serious victimization to the police
- Only 8% of all victims 12-17 received services compared to 13% overall
- 5% of males compared to 14.4% of females



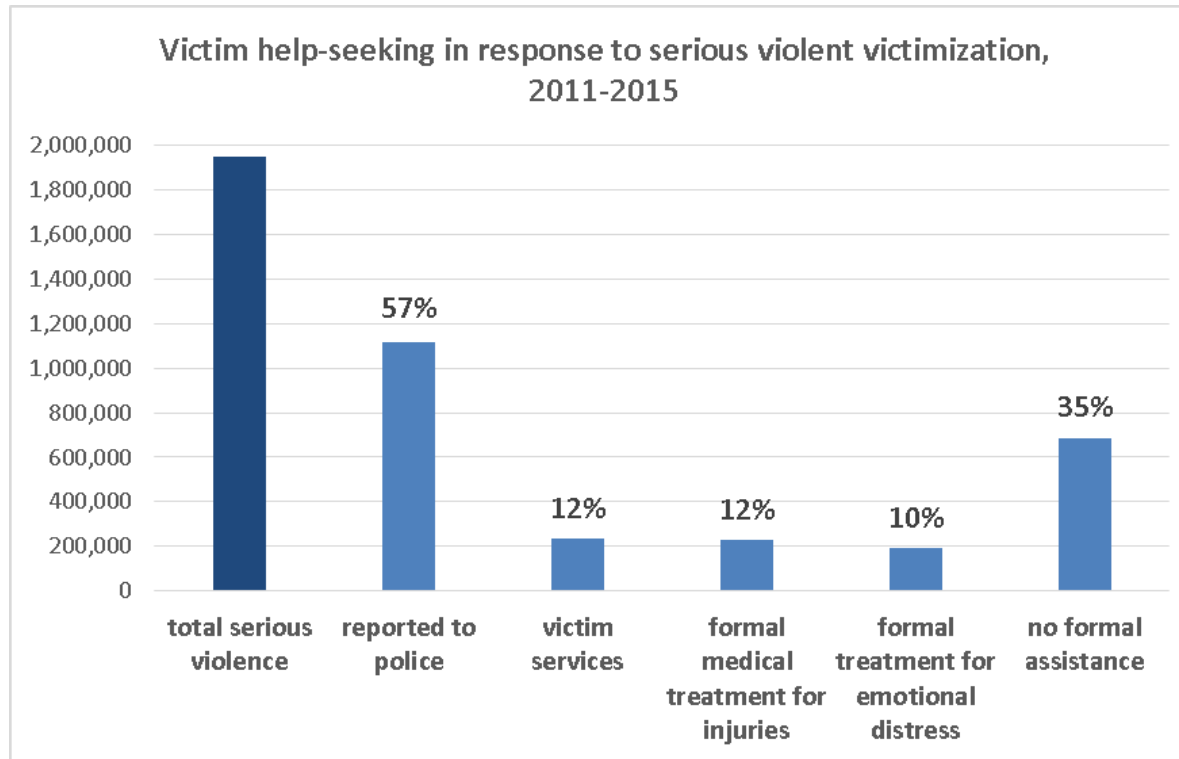
Victim Assistance



Source: BJS, National Crime Victimization Survey, 1993-2015.



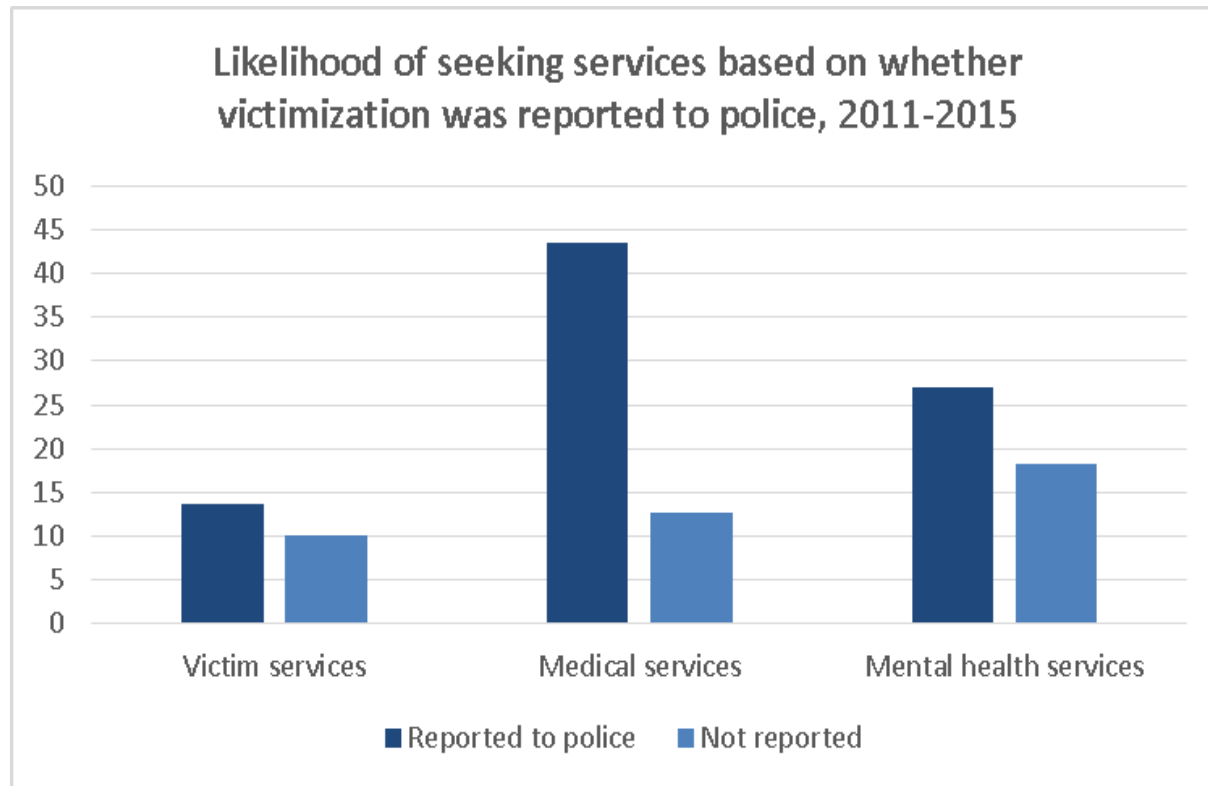
Formal help-seeking for victims



Source: BJS, National Crime Victimization Survey, 2011-2015



Reporting to police vs. seeking services





OVC's Vision 21

- Strategic planning should be continuous; not episodic.
- Support the development of a body of evidence-based knowledge on victimization, trends, services and behaviors.
- Ensure the statutory and programmatic flexibility to address enduring and emerging crime victim issues.
- Build and institutionalize capacity through an infusion of technology, training and innovation to ensure the field is equipped to meet the demands of the 21st century.

Moving from Anecdote to Evidence



“Victims will be served through a national commitment to support robust, ongoing research and program evaluation that informs the quality and practice of victim services throughout the Nation. Evidence-based, research-informed victim service programs will become the standard of excellence in providing assistance and support to victims of all types of crime.”



Bridging the Gap

- V21 recognized the need to “bridge the longstanding and seemingly intractable translation gap” in the victim services field.
- “Federal agencies must move beyond supportive language and take concrete action” to create better linkages for victims/survivors.



A Field in Transition

- **Funding:** Congress set CVF limit at \$2.5 billion in FY 17. Of this, direct funding to the states includes \$1.84 bil (Assistance) & \$133 mil (Comp)
- **Flexibility:** VOCA Rule finalized 8/8/16 fostering partnerships and innovation.
- **Opportunities:** for training, evidence-based decision-making, collaboration, and delineation of roles within the field.

Why Did OVC Publish the New Rule?



- Guidelines were incorrect in places because of statutory changes.
- Guidelines prohibited certain activities found to be effective/necessary for victim healing.
- Processes and technology have changed since publication of the Guidelines in 1997.



VOCA Rule Change: Incarcerated Survivors

Services to incarcerated victims is no longer an unallowable cost, thus it is allowable

- **Change - Removes the prohibition on “perpetrator rehabilitation and counseling.”**
- The rule does not require that services to incarcerated victims be provided, or how such services should be provided, but removes the express prohibition that existed in the Guidelines. The costs permitted for direct services to incarcerated victims are the same as those permitted for any victim.

Key Changes: Mental Health & Substance Use



28 C.F.R. 94.119(c) Allowable direct services costs – Mental Health Counseling and Care

- **Change – Lists substance abuse treatment as a specific allowable expense.** The Rule does not include language that prohibits in-patient treatment costs.
- Allows for mental health counseling and care, including, but not limited to, out-patient therapy counseling (including, but not limited to, substance-abuse treatment so long as treatment is directly related to the victimization) provided by a person meeting professional standards to provide these services in jurisdiction in which care is administered.

Key Changes: Transitional Housing



28 C.F.R. 94.119(k) Allowable Costs for Activities Supporting Direct Services: Transitional Housing

- Subject to any restrictions on amount, length of time, and eligible crimes, set by the SAA, transitional housing for victims (generally those who have a particular need for such housing and who cannot safely return to their previous housing, due to the circumstances of their victimization), including, but not limited to, travel, rental assistance, security deposits, utilities, and other costs incidental to the relocation to such housing, as well as voluntary support services as childcare and counseling.



Key Changes: Restorative Justice

28 C.F.R. 94.120(g) Restorative Justice

- Change – Replaces “possible” beneficial or therapeutic value to crime victims with “reasonably anticipated beneficial or therapeutic value.” Clarifies that tribal-community led meetings and peace-keeping activities are allowable expenses. Removes the limiting language “VOCA assistance funds cannot be used for victim offender meetings which service to replace criminal justice proceedings.”
- Permits activities in support of opportunities for crime victims to meet with perpetrators, including, but not limited to, tribal-community led meetings and peace-keeping activities, if such meetings are requested or voluntarily agreed to by the victim (who may, at any point, withdraw) and have reasonably anticipated beneficial or therapeutic value to crime victims.

Key Changes: Legal Assistance



28 C.F.R. 94.119(f) Allowable direct services costs - Legal assistance

(f) *Legal assistance*—Legal assistance services (including, but not limited to, those provided on an emergency basis), where reasonable and where the need for such services arises as a direct result of the victimization. Such services include, but are not limited to:

(1) Those (other than criminal defense) that help victims assert their rights as victims in a criminal proceeding directly related to the victimization, or otherwise protect their safety, privacy, or other interests as victims in such a proceeding;

(2) Motions to vacate or expunge a conviction, or similar actions, where the jurisdiction permits such a legal action based on a person's being a crime victim; and

(3) Those actions (other than tort actions) that, in the civil context, are reasonably necessary as a direct result of the victimization

Key Changes: Program Evaluation



28 C.F.R. 94.109(b)(5): Allowable Administrative Costs – Program Evaluation

- Clarifies examples of allowable program evaluation expenses, such as surveys.
- Allows for program evaluation, including, but not limited to, surveys or studies that measure the effect or outcome of victim services as an allowable administrative expense.



Key Changes: Multi-system Response

28 C.F.R. 94.120(c) Multi-system, interagency, multi-disciplinary response to crime victim needs

- Change – removes the prohibition against using VOCA funds for multi-disciplinary responses and allows for multi-system interagency, multi-disciplinary response to victim needs.
- Activities that support a coordinated and comprehensive response to crime victims needs by direct service providers, incl., but not limited to, payment of salaries and expense of direct service staff serving on child and adult abuse multi-disciplinary investigation and treatment teams, coordination with federal agencies to provide services to victims of federal crimes and/or participation on statewide or other task forces, work groups, and committees to develop protocols, interagency, and other working agreements.



Other Noteworthy Changes

- Forensic Interviews. 28 C.F.R. 94.119(h)
- Volunteer trainings. 28 C.F.R. 94.107(e)
- Relocation costs. 28 C.F.R. 94.119(l)
- Organizational Expenses. 28 C.F.R. 94.121(d)
- Automated Systems & Technology. 28 C.F.R. 94.120(e)
- 94.121(j) –Project Evaluation (sub-recipients)



Key Documents

- VOCA RULE: Federal Register - 81 F.R. 44515
<https://www.gpo.gov/fdsys/pkg/FR-2016-07-08/pdf/2016-16085.pdf>
- Code of Federal Regulations – 94 C.F.R. Subpart B (codified rule) www.ecfr.gov
- Side by Side Comparison Chart:
<http://www.ovc.gov/pubs/comparison-VOCA-victim-assistance-guidelines-and-final-rule.pdf>



Victimization Histories Inside

- Majority have experienced high incidence of violent victimization, trauma, abuse, and neglect (75-93% of youth entering the justice system).
- During incarceration: Rate of Victimization 10x higher in adult correctional institutions than in general public.
- Rates double for women inmates who also experienced sexual abuse before age 18. Rates 2-5x higher for male inmates who experienced sexual abuse prior to 18.



Victim-Offender Overlap Study

- Although research has consistently shown that victimization and offending are strongly correlated, these are often studied independently, with minimal attempts to connect these efforts.
- To address this gap, BJS has initiated the VOOS survey to better understand the intersection of victimization and offending of incarcerated populations, through a project connecting the National Crime Victimization Survey (NCVS) and National Inmate Survey (NIS).

Victim Services Behind the Walls



In order to support the filling of gaps in services and knowledge in the field related to victims in custody, OVC is playing an active role in supporting the implementation of victim-centered policy, practice and research related to corrections- and reentry-based victim services.

- PREA Working Group
- Victim Services Behind the Walls Working Group
- Federal Interagency Reentry Council

Working Together to Prevent Cycles of Harm, Main Justice Blog – April 2016



April 18, 2016

Courtesy of Daryl Atkinson (Bureau of Justice Assistance) & Heather Warnken (Office for Victims of Crime), Visiting Fellows, U.S. Department of Justice, Office of Justice Programs

This April, during National Crime Victims' Rights Week and the first National Reentry Week, we celebrate America's progress in supporting both crime victims and the thousands of individuals who return to our communities every year from jails and prisons. Only one calendar week separates the two observances, but the gulf of public perception – who society envisions as victims and perpetrators of crime – is much wider, often to the detriment of getting people the help they need.

Americans are conditioned to view victims and incarcerated people as two separate if not mutually exclusive categories. As two attorneys privileged to work on the front lines of criminal justice policy reform, each in fellowships designed to build bridges and elevate the voices of impacted communities, we understand the need to address these oversimplified notions. As two survivors of serious violent crime, we understand what is at stake.

Notwithstanding game-changing victories in law and policy on behalf of crime victims, a majority remain unserved and unseen. Only about nine percent of



FY15 Vision 21 Innovation Grant



- **Enhancing and Transforming Services for Victims of Crime** - *Healing is for Everyone: Bringing Services to Incarcerated Sexual Abuse Survivors*
- Awarded to Just Detention International; JDI conducting outreach to VOCA victim assistance administrators, VSPs, Corrections, and PREA officials; preliminary assessment of services available.

FY16 Vision 21 Demonstration Sites



Building and Enhancing Partnerships to Support Incarcerated Survivors of Sexual Abuse

- CALCASA's Building Refuge for Immigrant Detainees through Governance and Engagement (*California Coalition Against Sexual Assault*)
- Big Sandy Partnership to Support Incarcerated Survivors of SA (*Mountain Comprehensive Care Center*)
- Building and Enhancing Partnerships of Rape Crisis Centers and Correctional Facilities to Support Incarcerated Survivors of SA (*Pennsylvania Coalition Against Rape*)

FY16 Vision 21 Confidential Support Line



- **An Inside Line: Confidential Support for Incarcerated Survivors**
- Just Detention International working with Idaho Coalition and Against Sexual Assault and Department of Corrections to launch program and document practices that will hopefully provide insight and potentially a model for the field.



Resources & Opportunities

- Webinar: [The VOCA Rule Change: A New Opportunity to Help an Underserved Population](#) (April 2017)
- Regional Training: [Victim Services Preconference Seminar](#), organized by JDI for the 2017 ACA Conference
- Webinar: [PREA Auditor Handbook](#) (Sept 2017)

Supporting Post-Conviction Victim Services



- **OVC FY 17 Action Partnerships for National Membership, Professional Affiliation, and Community Service Organizations:** *Post-Conviction Victim Services to Victims of Crime*
- OVC & OJJDP Blog Post (August 2016): [Reconsidering Juvenile Life Sentences](#)



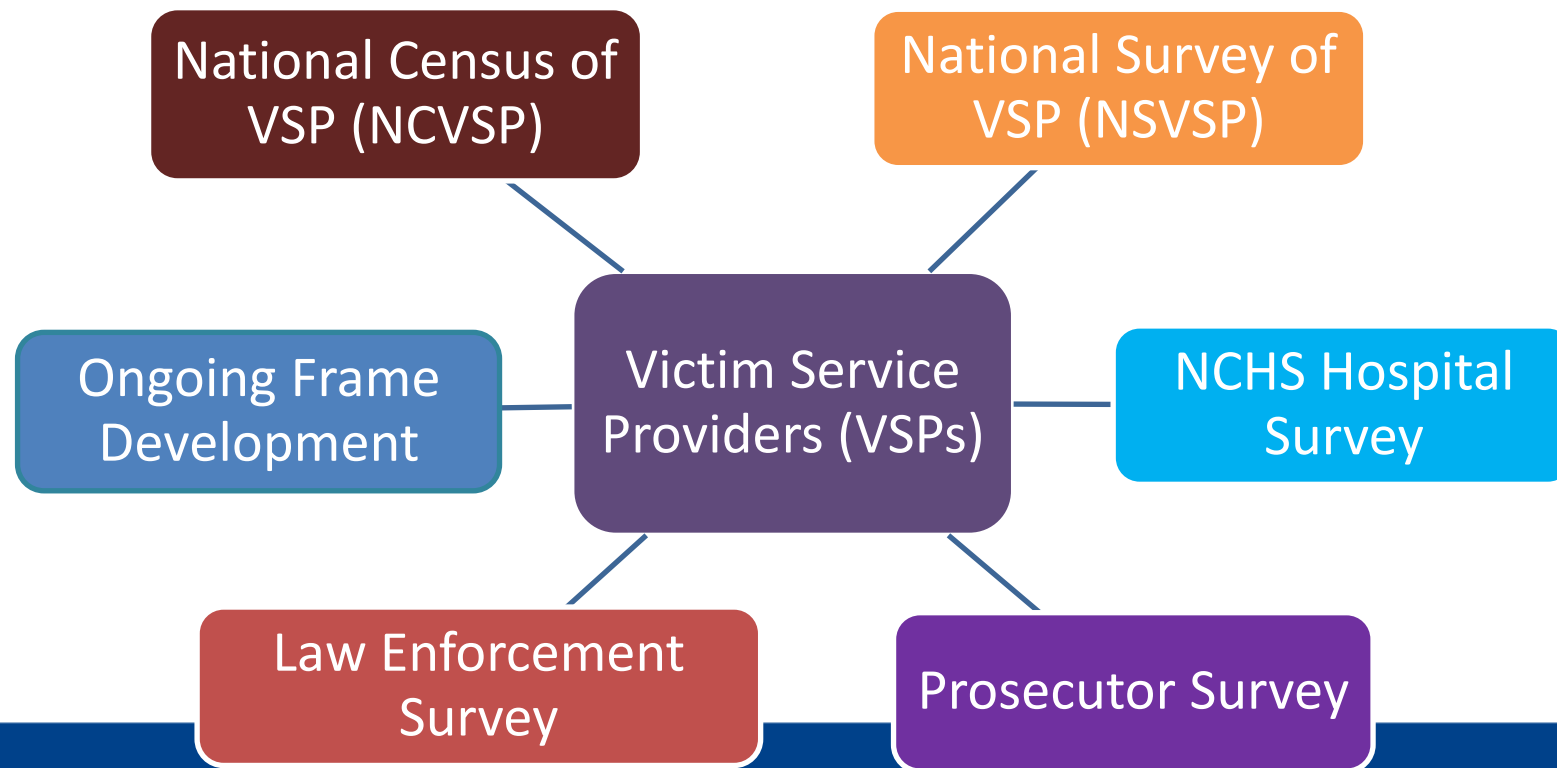
Bureau of Justice Statistics

- Principle statistical agency of the U.S. Department of Justice
- **Mission:** To collect, analyze, publish, and disseminate information on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government.
- **Value:** Data are critical to federal, state, and local policymakers for combating crime and ensuring that justice is both efficient and evenhanded.

BJS Victim Services Statistical Research Program



Efforts To Gather Data on VSP





NATIONAL CENSUS OF VICTIM SERVICE PROVIDERS

A project funded by the
U.S. Department of Justice,
Bureau of Justice Statistics and Office for Victims of Crime.
To learn more/participate, [please see project website](#).



Project Background: Building a roster

- *Because we do not know the full VSP universe:*
Development of a 2-phase approach



NATIONAL CENSUS OF VICTIM SERVICE PROVIDERS



NATIONAL SURVEY OF VICTIM SERVICE PROVIDERS

- Build a roster, census of all VSPs to clean the roster & collect basic information (~30,000 entities initially)
- Followed by more detailed survey conducted with a representative sample



First NCVSP collection (Oct/Nov 2016-July 2017)

Types of data collected:

- Organization type
- Service structure (primary function, dedicated staff or programming)
- Categories of services offered to victims
 - Information & referral, financial and material assistance, emotional support and safety, medical & health, legal & victim's rights, and other services
- Crime types for which VSPs provided services
- Staffing counts (current & beginning of the past calendar year)
- Funding sources & totals
- Concerns re: staffing, funding, grant reporting & technology



Other Key Collections from Provider Side

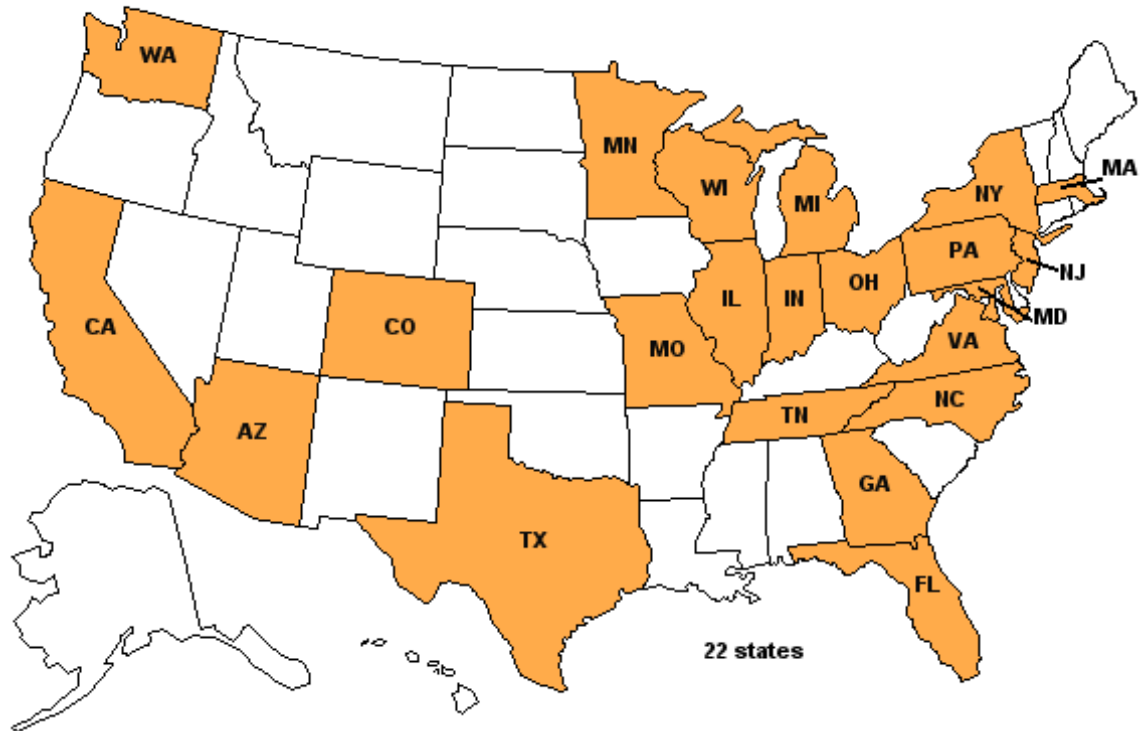
- **National Survey of Hospital-Based Victim Services (NSHVS)**, in partnership with National Center for Health Statistics - CDC
- **National Survey of Homeless Shelters**
 - Feasibility study examining:
 1. What information do shelters keep about victimization?
 2. What information do shelters keep about disability status of residents?
 3. What victim services do shelters offer?



NCVS Redesign & Subnational Program

- Pilot boost in 11 states (July 2013-Dec 2015)
- Full boost in 22 states (started Jan, 2016)
- 3 yr rolling averages
- State level estimates of victimization &
 - Services received
 - Crimes reported to police

NCVS Sample Redesign 2015-16





Efforts to expand service data from *victims*

- Expansion of the NCVS

Do victims seek/receive formal services?

What types of assistance did they receive?

If victims sought services but didn't receive them, why?

- Also measuring informal help-seeking strategies



Efforts to expand service data from victims

- New questions related to perceptions of police and police response to reported victimizations
- Questions asked of all respondents:
 - Residents' perceptions of police
- Questions asked of victims who report to police:
 - Satisfaction with response
 - Perceptions of behavior (respectful, polite, etc.)
 - Non-investigative actions at scene (calmed people down, resolved conflict, provided referrals, etc.)



Efforts to expand service data from victims

- Able to examine help-seeking by new variables (started July 2016):
 - Veteran status
 - Citizenship (U.S. or not)
 - Disability (hearing, vision, mental/physical/emotional)
 - Sexual orientation (gay/lesbian, straight, bi-sexual)
 - Gender identity (transgender, non-transgender)

FY17 Vision 21 OVC Resource Centers

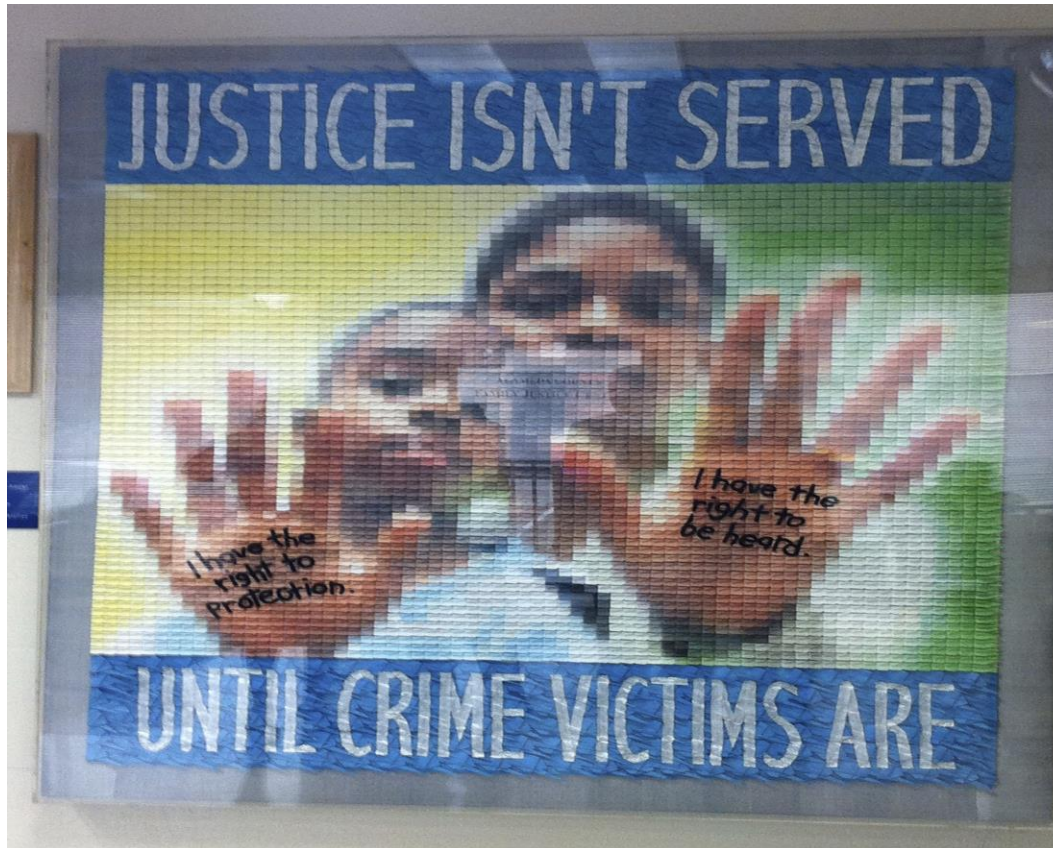


- National Center for Victim Research and Evaluation
- National Resource Center for Reaching Underserved Victims

8 Working Groups focused on different vulnerable populations of victims, including Formerly Incarcerated



Questions? Comments?



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Thank you!